

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 236 of 2016

- Rajesh Pariyani S/o Prem Chand Pariyani Aged About 40 Years R/o Near Dhan Mandi, Torwa, Police Station Torwa, Tahsil & District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Tarbahar, District Bilaspur, Chhattisgarh.

--- **Respondent**

For the applicant : Mr. Rajnish Singh Baghel, Advocate.
For the Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2016

1. Apprehending arrest in connection with Crime No.48 of 2016 registered at Police Station Tarbahar, District Bilaspur (C.G) for the offences punishable under sections 379 & 411/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Gaurav Agrawal that on 07.12.2016 he had dispatched certain rice bags from his rice mill by Truck bearing Regn. No.C.G.10-ZB/2468 to deposit them in FCI godown as part of Government supply and the vehicle after reaching its destination in the night was required to stay in queue for unloading the material, therefore, driver Shyamlal Vastrakar parked the vehicle there and went to have dinner. When he returned, it was found that 8 bags of rice cost of which was Rs. 7400/- were

stolen by cutting the rope at the back side of truck and subsequently, a mobile phone was found in the truck and on that basis the other co-accused were apprehended and on recording the memorandum statements of co-accused, it was revealed that the stolen rice was sold in the shop of applicant for Rs.3200/-.

3. Per contra, learned State Counsel opposes the prayer for grant of bail.
4. Learned counsel for the applicant submits that the applicant is a registered grain merchant and he deals in sale and purchase of grains and it would be very difficult to ascertain as to whether the grains were stolen and the applicant has purchased the rice after making payment of maximum price, therefore, he may be enlarged on bail.
5. Perused the case diary and the memorandum statements. This applicant has been inculpated on the statement of memorandum of other co-accused wherein it is stated that after stealing rice of 8 bags it was sold in applicant's shop for Rs.3200/-.
6. Considering the totality of such facts and circumstances and taking into background of the case and evidence available in case diary, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE